IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

MONDAY, THE FIFTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE MR JUSTICE G. BIKSHAPATHY**

**and**
**THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY**

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**WRIT APPEAL NO : 988 of 2004**

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 17.12.2003 in W.P.M.P.No.30771 of 2001 in W.P.No.24439 of 2003 on the file of the High Court.)

Between:

1 P.Sambaiah, S/o Saraiah, Aged about 47 years, Associate Professor of Public Administration, University College, Department of Public Administration, Kakatiya University at Warangal, Warangal District.
2 T.Manohar, S/o Sammaiah, Aged about 37 years, Assistant Professor of History, University Arts and Science College, Department of History, Kakatiya University at Warangal, Warangal District.

**..... APPELLANTS**

AND

1 Kakatiya University, rep. by its Registrar, Warangal.
2 Government of Andhra Pradesh, rep. by its Principal Secretary,
Higher Education (U.E.-I) Department, Secretariat, Hyderabad.

**.....RESPONDENTS**

**Counsel for Appellants: MR. V.VENKATARAMANA**

**Counsel for Respondent No.1: MR. B.NARAYANA REDDY**

**Counsel for Respondent No.2: GP for Education.**

**The Court made the following**

**ORAL JUDGMENT:**

**(Per G.Bikshapathy, J)**

1. The writ appeal is filed against the order passed by the learned Single Judge in W.P.M.P.No.30771 of 2003 in W.P.No.24439 of 2003, dated 17.12.2003, refusing to stay further proceedings in pursuance of Recruitment Notification No.2 of 2003, dated 10.10.2003.

2. The learned Counsel appearing for the appellants submits that the appointments are made at three levels, namely Assistant Professors, Associate Professors and Professors, and they are all direct recruitment and no promotional chances are provided. It is his grievance that by suppressing the posts in the cadre of Professors and Associate Professors, the posts of Assistant Professors are being filled up with the result their aspirations to get appointed to higher posts is diminished. Thus he submits that the learned Single Judge ought to have stayed the selection process pending finalisation of the proceedings. We are afraid, we can accept the said contention. However, we are not inclined to record any findings on this aspect as the matter is yet to be decided by the learned Single Judge. Inasmuch as it has been clearly observed by the learned Single Judge that any appointment made will be subject to the result in the writ petition. The order does not require any modification.

3. Accordingly, the writ appeal is dismissed. However, the writ petition may be posted for final hearing before the appropriate court on 9th August, 2004.
No costs.

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**(G.BIKSHAPATHY, J)**

Dated: 5th July, 2004.

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**(B.SESHASAYANA REDDY, J)**

**DEPUTY REGISTRAR**

// TRUE COPY //

SECTION OFFICER.

Chv & *ak

Copies to

1.The Hon'ble Sri Justice G.Bikshapathy (for His Lordship's kind perusal).

2.The Hon'ble Sri Justice B.Seshasayana Reddy (for His Lordship's kind perusal).

3.The Registrar, Kakatiya University, Warangal.

4.The Principal Secretary, Higher Education (U.E-I) Department, Secretariat, Hyderabad.

5.Two CCs to the learned Government Pleader for Education, High Court Buildings, Hyderabad (O.U.T).

6.Two CD copies.